

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

STACCATO O. RICKS,

Plaintiff,

vs.

CIV. NO. 1:21-cv-00942-JHR

**KILOLO KIJAKAZI,
Acting Commissioner of
Social Security,**

Defendant.

ORDER

Upon consideration of Defendant's Stipulated Motion for Award of Attorney Fees Under the Equal Access to Justice Act (EAJA) (ECF No. 29), the Court hereby awards Plaintiff \$7,247.55 in attorney fees under the EAJA, 28 U.S.C. § 2412. The EAJA fees will be paid to Plaintiff but delivered to Plaintiff's attorney. *See Astrue v. Ratliff*, 560 U.S. 586, 595-98 (2010); *Manning v. Astrue*, 510 F.3d 1246, 1255 (10th Cir. 2007), cert. denied, 129 S. Ct. 486 (2008); *Brown v. Astrue*, 271 F. App'x 741, 743-44 (10th Cir. 2008) (unpublished). It is further ordered that, if Plaintiff's counsel ultimately receives an award of attorney fees pursuant to 42 U.S.C. § 406(b), said attorney must refund the smaller award to Plaintiff pursuant to *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "J H Ritter", is positioned above a horizontal line.

JERRY H. RITTER
United States Magistrate Judge
Presiding by Consent

SUBMITTED AND APPROVED BY:

Electronically submitted 6/26/23

JENNIFER RANDALL

Special Assistant United States Attorney

Electronically approved 6/26/23

MATTHEW R. MCGARRY

Attorney for Plaintiff